



Department of Corrections
ADMINISTRATIVE BULLETIN

**Subject: PUBLICATION
RESTRICTIONS
(Supersedes AB 95/1)**

Number:

97/6

Date Issued:

May 6, 1997

Cancelled Effective:

This Administrative Bulletin (AB) supersedes AB 95/1 which established procedures necessary for complying with Senate Bill (SB) 1260, Chapter 555, Statutes of 1994, specifically regarding publication restrictions.

BACKGROUND

The passage of SB 1260 (Presley) resulted in changes to Penal Code (PC), Section 2600, which states that restriction of inmate's rights must be reasonably related to legitimate penological interests.

PC, Section 2601 was also amended to be more restrictive of what publications can be allowed in departmental facilities. In compliance with this new law, the Department amended ~~Title 15 of~~ the California Code of Regulations (CCR), Title 15, Division 3, Sections 3006, 3136, 3146, and 3147, effective June 7, 1996. This AB outlines implementation procedures and guidelines to prohibit inmates from receiving specified publications. Publications are reproduced, handwritten, typed/printed, and/or pictorial materials including books, periodicals, newspapers, and pamphlets. Items not allowed in an institution/facility, per these restrictions, are contraband pursuant to CCR Section 3006(c) ~~of the CCR~~.

IMPLEMENTATION

~~The changes to the CCR related to publications, effective June 7, are noted below.~~ Inmates may subscribe to newspapers, periodicals, and purchase softcover books. All publications shall be sent directly from a publisher or book store which does mail order business. Any exceptions must be authorized by the institution head. Any material that is reasonably deemed to be a threat to legitimate penological interests shall not be allowed. Except as authorized by departmental approved institution programs, inmates shall not possess or have under their control any matter which contains or concerns one or more of the items as described in CCR, Section 3006(c). Specific changes to CCR Section 3006(c) ~~of the CCR~~ relating to publications are noted below.

- The CCR Section 3006(c)(10) Diskettes.
- Purpose of Change: This was added to ensure inmates do not have access to electronic publications/material via this media which would prove nearly impossible to review and monitor.



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- The CCR Section 3006(c)(11) Catalogs, advertisements, brochures, and material whose primary purpose is to sell a product(s) or service(s) and when taken as a whole, lacks serious literary, artistic, political, educational, or scientific value.
 - Purpose of Change: This CCR Section was added to include these types of publications that could come into an institution/facility via the mail or other avenues; and if used by the inmate, could allow the inmate access to materials that are excluded in these regulations.
 - The CCR Section 3006(c)(15) Obscene material and mail containing information concerning where, how, or from whom this matter may be obtained.
 - (A) Obscene material means material taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest; material which taken as a whole, depicts, or describes sexual conduct; and which taken as a whole, lacks serious literary, artistic, political, or scientific value.
 - (B) When it appears from the nature of the matter or the circumstances of its dissemination, distribution, or exhibition that it appeals to deviant sexual groups.
 - (C) Material subject to the test in paragraphs (A) or (B) includes, but is not limited to, material that:
 - (1) Depicts, displays, or describes penetration of the vagina or anus, or contact between the mouth and the genitals.
- Purpose of Change:** The term “Pervasive theme” was removed from this CCR Section so that the amount of obscene material is not the controlling factor in disallowing publications.

STAFF RESPONSIBILITIES

1. Publications which are to be excluded shall be referred to a staff member at not less than the Facility Captain level for authorization and disposed of per CCR Sections 3136(b), ~~and 3147(a)(5)(A), and 3147(a)(5)(B).~~ ~~of the CCR.~~



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2. The CDC Form 1819, Notification of Disapproval-Publications (NDP) shall be utilized by each Department facility. A copy of the NDP shall be distributed to the inmate, the sender, and a copy shall be retained in the mailroom.
3. A copy of the NDP, and supporting documents, e.g., a photocopy of representative pages meeting the requirements outlined in CCR Section 3006(c) as prohibited, shall be retained by each facility for one year for litigation purposes. If the material is not needed after one year, it shall be destroyed.
4. The NDP forms are to be ordered from the following address:

California State Prison, Sacramento
Prison Industry Authority, Attention: PIA Print Shop
P.O. Box 29
Represa, CA 95671

5. The only time the NDP goldenrod copy is to be forwarded to Institution Services Unit/Headquarters is when facility staff request a review of unfamiliar publications. In that event, a copy of the NDP, and supporting documents, e.g., a photocopy of representative pages meeting the requirements in, CCR Section 3006(c) as prohibited, shall be mailed to:

Chief, Institution Services Unit
Box 942883
Sacramento, CA 94283-0001

This bulletin will remain in effect until it is incorporated into the Department Operations Manual, Section 54010. Please see that all personnel concerned are informed of the contents of this bulletin. For further information, contact Richard Campbell, Institution Services Unit, Institutions Division, at (916) 324-2352 or CALNET 454-2352.

GREGORY W. HARDING
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Support Services